

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

GAYLIN ROSE,)	
)	
Plaintiff,)	
)	
vs.)	
)	
BIRCH TREE HOLDINGS, LLC,)	
JOSHUA AYRES, TROY HELDERMAN,)	CASE NO. 2:18-cv-00197-PPS
DAMIEN DAVIS,)	
JERREL C. MCDONALD, SR.,)	
DANIEL TRAVIS, and)	
STACEY PHILLIPS,)	
)	
Defendants.)	

**DESIGNATION OF EVIDENCE SUPPORTING RESPONSE BRIEF OPPOSING
PLAINTIFF’S MOTION TO STRIKE DEFENDANTS’ EXPERT, TODD HETRICK, OR,
ALTERNATIVELY, MOTION IN LIMINE (FILED BY DEFENDANTS BIRCH TREE
HOLDINGS, LLC, JOSHUA AYRES, AND TROY HELDERMAN)**

Defendants, Birch Tree Holdings, LLC (“Birch Tree”), Joshua Ayres, and Troy Helderman, by counsel, hereby designate the following evidence supporting their Response Brief Opposing Plaintiff’s Motion to Strike Defendants’ Expert, Todd Hetrick, or Alternatively, Motion in Limine to Exclude Impermissible Kitchen Smoke Alarm and Todd Hetrick’s Impermissible Expert Testimony on the Kitchen Smoke Alarm:

1. Exhibit A: Report of Todd Hetrick;
2. Exhibit B: Deposition of Todd Hetrick;
3. Exhibit C: Deposition of Joshua Ayres Ayres (along with its Exhibit 25, Appraisal);
4. Exhibit D: Deposition of Troy Helderman;
5. Exhibit E: Deposition of Jeff Tipton;
6. Exhibit F: Deposition of Michael Vergon;
7. Exhibit G: Deposition of Mark Culver;

8. Exhibit H: Deposition of Candace Ashby;
9. Exhibit I: Deposition of Alfred Watson;
10. Exhibit J: UL 217;
11. Exhibit K: Lee, A., The Audibility of Smoke Alarms in Residential Homes, Consumer Product Safety Commission, CPSC-ES-0503, 2005;
12. Exhibit L: Halliwell, RE and Sultan, MA, Guide to the Most Effective Locations for Smoke Detectors in Residential Buildings, National Research Council Canada, BPN 62, 1986;
13. Exhibit M: SFPE Handbook of Fire Protection Engineering, 5th Edition, 2016;
14. Exhibit N: Proulx, G. et al., Egress Times from Single Family Houses, National Research Council Canada, 2006;
15. Exhibit O: Bukowski, R.W., et al., Performance of Home Smoke Alarms Analysis of the Response of Several Available Technologies in Residential Fire Settings, NIST Technical Note 1455-1, 2009 Revision;
16. Exhibit P: Bruck, D., The who, what, where and why of waking to fire alarms: a review, Fire Safety Journal, Vol. 36, 2001;
17. Exhibit Q: December 23, 2021 Email from Attorney Faith Alvarez; and
18. Exhibit R: Affidavit of Todd Hetrick (along with its Exhibits R-1 through R-3).

WHEREFORE, Defendants Birch Tree Holdings, LLC, Joshua Ayres and Troy Helderman, respectfully request the Court deny Plaintiff's Motion to Strike Defendants' Expert, Todd Hetrick, or Alternatively, Motion in Limine to Exclude Impermissible Kitchen Smoke Alarm and Todd Hetrick's Impermissible Expert Testimony on the Kitchen Smoke Alarm (and for all other just and appropriate relief).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on July 20, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/CM/ECF system which sent notification of such filing to the following:

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